

Misbranding was alleged for the reason that the statement, design, or device on the package or label, "Tomatoes" (cut of red ripe tomato), was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On March 28, 1929, John S. McDaniel & Co. (Inc.), Easton, Md., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$2,500, conditioned in part that it be relabeled under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16238. Adulteration of canned cherries. U. S. v. 200 Cases of Kewpie Brand Pitted Sour Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23359. I. S. No. 05406. S. No. 1513.)

On January 31, 1929, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 200 cases of canned cherries, remaining unsold at Cincinnati, Ohio, consigned by K. M. Davies Co. (Inc.), Williamson, N. Y., about September 20, 1928, alleging that the article had been shipped from Williamson, N. Y., and transported from the State of New York into the State of Ohio; and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Kewpie Brand Pitted Sour Cherries * * * Packed by K. M. Davies Co., Inc., Williamson, N. Y."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

On March 26, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16239. Adulteration of rabbits. U. S. v. 17 Barrels of Rabbits. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23479. I. S. No. 02781. S. No. 1708.)

On February 26, 1929, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 17 barrels of rabbits at Buffalo, N. Y., alleging that the article had been shipped by the Producers Produce Co., at Chillicothe, Mo., February 19, 1929, and transported from the State of Missouri into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On March 7, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16240. Adulteration and misbranding of meat scraps. U. S. v. Quaker Soap Co. Plea of guilty. Fine, \$15. (F. & D. No. 22570. I. S. Nos. 10594-x, 10597-x.)

On October 2, 1928, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Quaker Soap Co., a corporation, Secaucus, N. J., alleging shipment by said company, in violation of the food and drugs act as amended, from the State of New Jersey into the State of California, on or about December 15, 1926, of a quantity of meat scraps which were misbranded, and on or about February 14, 1927, of a quantity of meat scraps which were adulterated and misbranded. Shipment of December 15, 1926, was invoiced as "Meat Scraps," shipment of February 14, 1927, was invoiced as "Meat Scraps, Analysis attached 45.68."

Adulteration was alleged in the information with respect to the shipment of February 14, 1927, for the reason that a product which contained less